

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MONTASIA JOHNSON,

Plaintiff,

Case No. 21-cv-10797
Hon. Matthew F. Leitman

v.

DEARBORN BISTRO d/b/a
PANTHEION CLUB,

Defendant.

**ORDER (1) DENYING MOTION TO DISMISS
WITHOUT PREJUDICE (ECF No. 9), (2) ORDERING
PLAINTIFF TO SHOW CAUSE WHY ACTION SHOULD NOT
BE DISMISSED WITHOUT PREJUDICE FOR FAILURE TO
PROSECUTE, AND (3) ORDERING BOTH ATTORNEY GREG
C. GREENBERG AND ATTORNEY NINA KORKIS TAWHEEL
TO SERVE PLAINTIFF WITH THIS ORDER**

In April 2021, Plaintiff Montasia Johnson, through counsel, brought this action against Defendant Dearborn Bistro under the Fair Labor Standards Act (“FLSA”) and the Michigan Minimum Wage Law. At some point after July 2021, Johnson stopped communicating with her counsel. According to Defendant, Johnson thereafter signed a settlement agreement resolving the case. In light of this purported settlement, Johnson’s counsel filed a motion to dismiss under FLSA. (*See* Mot., ECF No. 9.) The Court held a hearing on this motion on October 13, 2021.

For the reasons stated on the record, Johnson's motion is **DENIED WITHOUT PREJUDICE**. As the Court explained, given Johnson's failure to communicate with her counsel, counsel is unable to advocate for this Court's approval of Plaintiff's motion to dismiss. That, in turn, leaves the Court unable to evaluate the dismissal in accordance with the factors listed by FLSA.

The Court believes the appropriate way to proceed here is to order Johnson to appear before the Court to confirm for the Court that she wishes to settle her case. In so doing, Johnson may provide information concerning the circumstances of the settlement and her justification for dismissal. That way, the Court will be able to make the required evaluation under FLSA.

Accordingly, **IT IS HEREBY ORDERED** that Johnson shall appear before the Court for a Zoom status conference to be held on **Wednesday, November 17, 2021 at 10:00 a.m.** Failure to appear for this hearing may result in a dismissal of this action. The parties shall use the following link to join the Zoom status conference:

<https://www.zoomgov.com/j/1601852440?pwd=bWtpT0h1eEtCZ3NGZXBlWUxLdndmUT09>

Meeting ID: 160 185 2440

Passcode: 498955

One tap mobile

+16692545252,,1601852440# US (San Jose)

+16692161590,,1601852440# US (San Jose)

Dial by your location
+1 669 254 5252 US (San Jose)
+1 669 216 1590 US (San Jose)
+1 551 285 1373 US
+1 646 828 7666 US (New York)
Meeting ID: 160 185 2440

IT IS FURTHER ORDERED that attorney Greg C. Greenberg shall serve Johnson with a copy of this order by ordinary at her last known address, and attorney Nina Korkis Taweel shall likewise serve Johnson with this order by ordinary mail at the last known address Defendant has for Johnson. If Defendant communicates with Johnson other than by ordinary mail and lacks a last known address for Johnson, Ms. Taweel shall serve this order using whatever means Defendant uses to communicate with Johnson. By not later than October 28, 2021, Mr. Greenberg and Ms. Taweel shall file on the Court's docket a certificate of service confirming that they have satisfied their service obligations under this order.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 14, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 14, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764